THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 164 of 2006

DATED: 04.01.2006

Between:

Mulagada Jagadeesh Babu & another.

… PETITIONER

AND

The Superintendent of Police,

East Godavari District & others.

… RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 164 of 2006

ORDER:-

This writ petition is filed to declare the action of the respondents in not initiating action on the complaints made by the petitioners to provide police protection to them, their family members and the lands situated in S.Nos.168, 169, 180/1, 180/2, 181, 183/1, 183/2, 228/2, 228/3 and 228/4 to a total extent of Hec.20-46 acres in Indukurupeta Village, East Godavari District, as illegal, arbitrary and consequently direct the respondents to initiate action on the complaints dated 05.12.2005 and 26.12.2005.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Home.

The petitioners 1 and 2 own lands to an extent of Hec.20-46 acres, out of which the 1st petitioner owns an extent of Hec.14-88 acres in Sy.Nos. 168, 169, 180/1, 183/2, 228/2, 228/4 and the 2nd petitioner owns Hec.5-58 acres in Sy.Nos.180/2, 183/1, 228/3, both situated at Indukurupeta Village, Devipatnam Mandal, East Godavari District.

It is stated that originally their grandfather Mulagada Jagga Rao purchased the said lands under Patta Nos.69, 70, 72 of Pothukonda, H/o. Indukurupeta village from one hill tribe Karam Ramaswami, who obtained permission from the Agent to Government under the provisions of Agency Tracts Interest and Land Transfer Act 1917 (Act 1 of 1917) in proceedings D.Dis.No.521/55, dated 20.10.1955, to sell the said lands. Thus, the petitioners and their predecessors are in possession and enjoyment of the same. It is stated that the Ryotwari Pattas was also granted in favour of the petitioners grandfather and his family members under Patta Nos.128, 129 and 208. Thereafter, the family members raised Mango, Cashew, Jack and other fruit bringing trees.

It is stated that subsequent proceedings were initiated under Regulation 1/70 against the petitioners grandfather, which was ultimately upheld by this Court. It is stated that under Regulation 2/70 also Ryotwari Pattas were granted in favour of the petitioners and they are only the persons cultivating the said lands.

It is stated that having taken the situation of the said lands in the tribal areas, some anti social elements tried to disturb their right to enjoy the said properties. At that time the petitioners father and others filed WP.No.10207 of 1999 on the file of this Court and the same was disposed on 04.10.2002 permitting the petitioners to make application as and when any such interference is there by the Ryotwari Coolie Sangham or by Tudumdebba.

It is stated that the petitioners made representations on 05.12.2005 and 26.12.2005 before the SHO, Devipatnam Police Station-3rd respondent bringing to his notice about instigating the illegal activities on certain persons who are threatening to interfere with the personal property of the petitioners.

It is a settled principle of law that as and when a report or complaint is filed by any person, it is for the concerned police to look into the said report and take appropriate action to protect the property of the rightful owners by preventing the illegal interference of the unlawful activities.

Having regard to the facts and circumstances of the case, the 3rd respondent is directed to consider the representations of the petitioners, dated 05.12.2005 and 26.1.2005 and take appropriate action in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

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04.01.2006

Note:- Issue CC in three days.

B/o.

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